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16 JOBY, INC.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 JOBY, INC.,

21 Plaintiff,

22 v.

23 TOCAD AMERICA, INC.,

24 Defendant.

Case No. 3:07-CV-06455 (SI)

**[PROPOSED] ORDER GRANTING
PLAINTIFF JOBY, INC.'S MOTION TO
DISMISS DEFENDANT TOCAD
AMERICA, INC.'S COUNTERCLAIMS**

Date: June 6, 2008

Time: 9:00 a.m.

Courtroom: 10, 19th Floor

The Honorable Susan Illston

25 Plaintiff Joby, Inc.'s ("Joby") Motion to Dismiss Defendant Tocad America, Inc.'s
26 ("Tocad") Counterclaims came on regularly for hearing before this Court on June 6, 2008, at
27 9:00 A.M., in Courtroom 10, 19th Floor. Both Joby and Tocad were represented by counsel.
28 After full consideration of the briefs in support and in opposition thereto, all other papers
submitted in connection therewith, all other matters on file in this action and presented to the
Court, and having heard the arguments of counsel, and the Court having considered Joby's
Request for Judicial Notice in Support of Its Motion to Dismiss and decided to take judicial

1 notice of the facts in Joby's request,

2 IT IS HEREBY ORDERED that Joby's Motion is **GRANTED**, and all counterclaims
3 asserted in Tocad's Answer to Complaint Affirmative Defense and Counterclaim are
4 **DISMISSED**.

5 IT IS SO ORDERED.

6
7 Dated: _____, 2008

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9 By: _____
10 The Honorable Susan Illston
United States District Court Judge

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ATTORNEYS AT LAW
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